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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,240	12/18/2001	Hiroshi Tanaka	0879-0366P	8756

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EXAMINER

NGUYEN, MY XUAN

ART UNIT PAPER NUMBER

2617

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/020,240	TANAKA ET AL.	
	Examiner	Art Unit	
	My X. Nguyen	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/07/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-13 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-13 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Allowable Subject Matter

2. The indicated allowability of claims 10-13 and 20-25 are withdrawn in view of the newly discovered reference(s) to U.S. Patent Application Publication US 2002/0036698A1 (Mizutani). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 and 12 contain the claimed elements of "a transmitting device..." and "a first transmitting...device...". It is unclear to Examiner whether the claimed

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"transmitting device..." and "first transmitting...device..." are the same or separate device.

Claims 10 and 12 contain the claimed elements of "a first receiving device..." and "a first transmitting and receiving device...". It is unclear to Examiner whether the "first receiving device..." and the "first transmitting and receiving device..." are the same or separate device.

Claims 10 and 12 contain the claimed elements of "a second receiving device..." and "a second transmitting and receiving device...". It is unclear to Examiner whether the "second receiving device..." and the "second transmitting and receiving device..." are the same or separate device.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 10-13 and 20-25 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication US 2002/0036698A1 (Mizutani).

Regarding claims 10 and 12, Mizutani discloses a communication system which is capable of sending and receiving information to and from a communication apparatus on a network via a cellular phone (Figs. 2-4). Mizutani discloses a cellular phone (Fig. 3 Drawing 362) comprising: a recording device which records connection information for making communication connection to the communication apparatus on the network (Fig. 2, Drawing 202 Recording Unit); a transmitting device which sends the connection information to a communication terminal (Fig. 2 Drawing 332 Antenna, Page 1 ¶ [0020]); a first receiving device which receives information from the communication terminal (Fig. 2 Drawing 332 Antenna, Page 1 ¶ [0020]); a first transmitting and receiving device which sends and receives information to and from the communication apparatus on the network (Fig. 2 Drawing 328 Antenna, Page 1 ¶ [0022]). Mizutani further discloses a communication terminal (Figs. 1, 3, & 4 Drawing 100) comprising: a second receiving device which receives connection information for making communication connection to the communication apparatus on the network from the cellular phone (Fig. 4, Page 1 ¶ [0022]); and a second transmitting and receiving device which sends and receives information to and from the communication apparatus on the network based on the connection information received from the cellular phone (Fig. 4, Page 1 ¶ [0022]).

Regarding claims 11 and 13, Mizutani discloses connection information includes at least one of a dial-up telephone number, attribute information, a URL, an IP address, gateway information and a DNS (Page 3 ¶ [0057], destination information telephone numbers).

Regarding claims 20 and 23, Mizutani discloses a digital camera (Fig. 1 & 3 Drawing 100, Page 1 ¶ [0024]).

Regarding claims 21 and 24, Mizutani discloses a digital camera that comprises: a display for displaying connection information received from the cellular phone, wherein the user selects a destination for a digital photographic image based on the displayed connection information (Fig. 1 Drawing 28 Image Display, Page 2 ¶s [0030] & [0031]).

Regarding claims 22 and 25, Mizutani discloses a digital camera that comprises: a mode switching element, which switches between a photographing mode for generating a digital image, and a communication mode for communicating a digital image to a destination based on connection information received from the cellular phone (Fig. 1, Page 2 ¶s [0032] to [0035]).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to My X. Nguyen whose telephone number is (571) 272-2835. The examiner can normally be reached on Monday through Friday at 8:00AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.X.N.
09/06/2006


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